



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schmeichel, Charles M.) Docket No.: A20-012-01-US
Serial No.: 09/866,138)
Filed: May 25, 2001) Examiner: Pedder, Dennis H.
For: TONNEAU COVER TENSION)
ADJUSTER APPARATUS)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION

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Dear Sir/Madam:

Charles M. Schmeichel declares that he is the original and first inventor of the invention described in the above-identified Application; that he believes the original patent (U.S. Patent No. 5,906,407) is wholly or partly inoperative or invalid by reason of the patentee claiming less than the patentee had a right to claim in the patent because the attorney who prepared and filed the original application failed to appreciate the full scope of the invention, so much so that the claims initially filed with the underlying application, and subsequently issued as a part of U.S. Patent No. 5,906,407 were so narrowly drawn as to inadequately define and protect his invention; so much so that new claims are necessary to adequately claim the full scope of his invention and to provide him the full scope of patent protection allowed under U.S. Patent Laws, specifically, that the original independent claims 1 and 8 as filed and ultimately allowed are limited to claims reciting an adjustable assembly comprising: a left and right block means . . . ; a left and right attachment block means... ; and an adjustable connection

means . . . ; and an adjustable cover for a cargo box, comprising: a left and right rail . . . ; an elongated tensioning rail . . . ; a left and right block means . . . ; a left and right attachment block means . . . ; and an adjustable connection means In addition, nowhere among the original claims or the claims which ultimately issued in the aforementioned patent were there claims directed to an apparatus for varying the position of an end rail of a tonneau cover attachment frame used to secure a tonneau cover to a pickup truck cargo box, comprising: a first adjustment block mechanism . . . ; and a first tensioning screw . . . ; or directed to a shifting apparatus which operatively contacts an end rail of a tonneau cover frame for attaching a tonneau cover to a cargo box of a pickup truck, the apparatus comprising: a first adjustment block mechanism . . . ; and a second adjustment block mechanism Furthermore, the original claims did not include among them any method claims such as a method of maintaining an appropriate tension on a tonneau cover secured to a cargo box of a pickup truck. Furthermore, the recitation in claim 1 includes an article, "a", or "an" prior to recitations to "left and right block means", "left and right attachment block means" and "adjustable connection means". It is believed that the use of an article to make reference to means of accomplishing a specified task unduly narrows the claims. Amendments to claim 1 are proposed to delete the articles "a" and "an" at the beginning of recitations to the aforementioned means recitations. For these reasons, the Applicant does not believe the issued claims fully claim the invention for which patent protection was sought, and believes that errors were made in seeking protection for the invention; that all errors which are being corrected in the present application up to the time of filing of the present declaration arose without any deceptive intention on the part of the Applicant; that all statements made herein of his own knowledge are true and that all statements

made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18, United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

All communications should be addressed to:

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Respectfully submitted,

Date: _____

By _____
Charles M. Schmeichel